

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

RENE H. ROBITAILLE,

Plaintiff,

Case No. 2:13-cv-291

v.

NANCY A. BERRYHILL,
Acting Commissioner of the Social
Security Administration,

Defendant.

OPINION AND ORDER

Upon consideration of the Commissioner's motion to reverse and remand this matter for further administrative proceedings and Plaintiff's objection, it is hereby ORDERED that the Commissioner's motion is **granted**.

The decision of the Commissioner is reversed pursuant to sentence six of 42 U.S.C. § 405(g) with remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89, 98–101 (1991) (outlining the conditions of remands in the Social Security Act). Upon remand, the Appeals Council will: 1) instruct a new Administrative Law Judge (ALJ) to provide Plaintiff an opportunity for a new hearing and to present additional evidence; 2) determine whether there is good cause to reopen the subsequent allowance in accordance with 20 C.F.R. §§ 404.987–98 and 416.1487–98; 3) reevaluate the nature and severity of Plaintiff's medically determinable mental impairments; 4) reevaluate whether

Plaintiff's mental impairments meet or equal the severity of any listed impairment; and 5) reconsider Plaintiff's residual functional capacity, if warranted.

In addition, the ALJ shall reevaluate the medical and nonmedical opinions in the record, including Dr. Hurley's opinion, ensuring that all evidence is exhibited, and obtain additional medical expert opinion if needed. The ALJ will also request supplemental vocational expert evidence, if necessary, and resolve any conflict between the vocational expert's testimony and the Dictionary of Occupational Titles in accordance with SSR 004-p. Finally, if the ALJ decides to re-open Plaintiff's favorable decision, the ALJ should apply the rules found in 20 C.F.R. § 404.1594 and 20 C.F.R. § 416994 to the extent applicable.

Dated at Burlington, in the District of Vermont, this 11th day of October, 2019.

/s/ William K. Sessions III
William K. Sessions III
District Court Judge